

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Donald Bellamy,

Plaintiff,

vs.

Stephen Cross and South Carolina  
Department of Corrections Medical  
Division,

Defendants.

C/A No. 5:19-2650-JFA-KDW

**ORDER**

Donald Bellamy (“Plaintiff”), proceeding pro se, is an inmate incarcerated in McCormick Correctional Institution in the South Carolina Department of Corrections (“SCDC”). He filed his Complaint alleging Dr. Stephen Cross and the SCDC Medical Division committed medical malpractice. (ECF No. 1). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., the case was referred to a Magistrate Judge for review. The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

The Magistrate Judge assigned to this action<sup>1</sup> prepared a thorough Report and Recommendation (“Report”) and opines that this Court should dismiss Plaintiff’s Complaint

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<sup>1</sup> The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

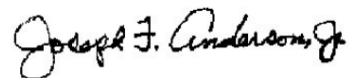
because Plaintiff failed to allege sufficient facts to state a claim. (ECF No. 23). The Magistrate Judge explains that Plaintiff was provided with an opportunity to correct the deficiencies identified in his Complaint by October 7, 2019. (ECF No. 10). Further, Plaintiff was warned that failure to file an amended complaint may result in this action being recommended for summary dismissal without leave for further amendment. (ECF No. 10). However, Plaintiff failed to amend his Complaint to correct any of the deficiencies identified by the Magistrate Judge.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on November 5, 2019. (ECF No. 23). The Magistrate Judge required Plaintiff to file objections by November 19, 2019. (ECF No. 23). However, Plaintiff did not file any objections. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation (ECF No. 23). Thus, Plaintiff's Complaint (ECF No. 1) is dismissed with prejudice and without issuance and service of process.

IT IS SO ORDERED.

December 2, 2019  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge